

PUBLIC LAW 104-191—AUG. 21, 1996 110 STAT.  
1971

"(i) FAILURE TO PAY ASSESSMENT.—If any entity fails to pay an assessment after it has become a final and unannealable order, or after the court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General who shall recover the amount assessed by action in the appropriate United States district court.

"(ii) NONREVIEWABILITY.—In such action the validity and appropriateness of the final order imposing the penalty shall not be subject to review.

"(G) PAYMENT OF PENALTIES.—Except as otherwise provided, penalties collected under this paragraph shall be paid to the Secretary (or other officer) imposing the penalty and shall be available without appropriation and until expended for the purpose of enforcing the provisions with respect to which the penalty was imposed.

"SEC. 2723. PREEMPTION; STATE FLEXIBILITY; CONSTRUCTION. 42 USC 300gg-

"(a) CONTINUED APPLICABILITY OF STATE LAW WITH RESPECT TO HEALTH INSURANCE ISSUERS.—

"(1) IN GENERAL.—Subject to paragraph (2) and except as provided in subsection (b), this part and part C insofar as it relates to this part shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any standard or requirement solely relating to health insurance issuers in connection with group health insurance coverage except to the extent that such standard or requirement prevents the application of a requirement of this part.

"(2) CONTINUED PREEMPTION WITH RESPECT TO GROUP

HEALTH PLANS.—Nothing in this part shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 with respect to group health plans.

"(b) SPECIAL RULES IN CASE OF PORTABILITY REQUIREMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the provisions of this part relating to health insurance coverage offered by a health insurance issuer supersede any provision of State law which establishes, implements, or continues in effect a standard or requirement applicable to imposition of a preexisting condition exclusion specifically governed by

section 701  
which differs from the standards or  
requirements specified  
in such section.

"(2) EXCEPTIONS—Only in relation to health  
insurance cov-  
erage offered by a health insurance issuer, the  
provisions of  
this part do not supersede any provision of State  
law to the  
extent that such provision—

"(i) substitutes for the reference to "6-month period"  
in section 2701(a)(1) a reference to any shorter period  
of  
time;

"(ii) substitutes for the reference to "12 months" and  
"18 months" in section 2701(a)(2) a reference to any  
shorter  
period of time;

"(iii) substitutes for the references to "63" days in sec-  
tions 2701(c)(2)(A) and 2701(d)(4)(A) a reference to any  
greater number of days;